

FUGG 18.009
09/723,416REMARKS

This amendment is in response to the Examiner's Office Action dated 4/14/2004. Claims 1-33 stand rejected under 35 USC §112, second paragraph, as indefinite. Claims 1-45 are active and pending in the present application; all of which stand rejected under 35 USC §103 as unpatentable over McCloghrie et al. (U.S. Pat. No. 6,286,052, hereinafter "McCloghrie") in view of Jorgensen (U.S. Pat. No. 6,452,915, hereinafter "Jorgensen"). In response, Applicant has amended the claims as indicated in the above section and as discussed below. No new subject matter has been improperly added by way of these amendments.

Rejection under 35 USC §112, second paragraph

The Examiner states in the detailed action (page 2, paragraph 2) that claims 1-33 stand rejected under the second paragraph of 35 USC §112 for being indefinite. The Examiner explains that the "claims are indefinite because claims 15, 16 recite the limitation 'the preset'" without proper antecedent basis. Accordingly, claims 15 and 16 have been amended to address all antecedent basis issues. As indicated by Applicant's willingness to amend claims 15 and 16, it is clear that Applicant understands this rejection as it applies to claims 15 and 16 and all the claims that may depend therefrom. However, Applicant believes the antecedent basis issues of claims 15 and 16 do not affect claims 1-14 or claims 17-33. Accordingly, Applicant respectfully requests withdrawal and reconsideration of the rejection under 35 USC §112 of claims 1-14 and 17-33.

FUJG 18.009
09/723,416Rejection under 35 USC §103

Without identifying which specific claims are being addressed, the Examiner asserts that McCloghrie teaches the invention substantially as claimed but admits that McCloghrie does not explicitly teach using the RSVP protocol for QoS features. However, the Examiner contends that Jorgensen teaches using RSVP for QoS in routing packets between routers and concludes that it would have been obvious to combine the teachings of McCloghrie and Jorgensen because "Jorgensen sheds light into the QoS details of the RSVP and that Cisco uses RSVP for QoS. Without identifying any specific dependent claim or reciting any specific claim language, the Examiner states that "other claimed features are all obvious variations of well known features of network routing and QoS and RSVP protocols.

In response, Applicant has canceled claims 1, 3 and 35 and amended a number of claims as indicated above. Many of the claim amendments address antecedent basis issues that were not previously identified and some of the claim amendments change the dependency of the appropriate claims in order that none depend from a canceled base claim.

In particular, claim 2 has been amended to incorporate all the limitations of its base claim, claim 1, and its immediate dependent claim, claim 3. Additionally, claim 34 has been amended to incorporate all the limitations of its dependent claim 35. Accordingly, Applicant urges that no new matter has been improperly introduced by way of these claim amendments.

Applicant recognizes that the applied references McCloghrie and Jorgensen use terms such as QoS, Diffserv, and RSVP that appear similar to the language recited in the present claims. However, Applicant disagrees with the Examiner about how these references are specifically applied to the claim language as a whole and urge that the references, either individually or in combination, do not disclose or suggest the present invention as recited in claims 1-45.

Page 16 of 19

FUJG 18.009
09/723,416

McClorhie and Jorgensen merely disclose the conventional methods for setting QoS using RSVP that are well known in the art. These methods are recognized by the Applicant and more fully described in the present specification in the "Background" section. According to the conventional apparatus and methods disclosed by these references, it is required that the end communication devices receiving and transmitting the messages must set the QoS with RSVP messages.

On the contrary, the present invention does not require receiving and/or transferring RSVP messages at the communication devices. Instead, these communication devices need only transfer a communication packet that is the subject of a QoS guarantee (i.e., the specific packet). The routing apparatus of the claims that receives the specific packet performs the QoS setting using RSVP or some other protocol. On the transferring side, the routing apparatus in communication with the end communication device performs the QoS setting operation using RSVP (for example), performs a classification operation on different packets, and appends a predetermined bit sequence to a specific packet which is the subject of a QoS guarantee.

On the receiving side, the routing apparatus performs the QoS setting operation using RSVP (for example), and transfers the received specific packet along with removing the predetermined bit sequence. By adopting the configuration described above, each of the end communications devices can realize a packet communication for which QoS is guaranteed by simply transferring the communication packets without regard to the processing, additional complexity, and overhead necessary to implement the RSVP protocol.

Claims 2 and 34, as amended, incorporate specific claim language that recites the features described above and, therefore, the differences in operation of the present invention as compared to Jorgensen and McCloghrie are reflected in the present claim language. In particular, neither Jorgensen or McCloghrie, either singly or in combination, teach or suggest, the specific first and

FUGG 18.009
09/723,416

second routing apparatus recited in claim 2 which respectively include the first and second quality set-up processing units, the first and second packet classification processing units, the bit sequence setting unit, the bit sequence deleting unit and the first and second transfer processing unit. Furthermore, the references, either singly or in combination, do not teach or suggest, a routing apparatus that receives a specific packet from a communication device and then sets a particular bit sequence for that packet based on a packet processing unit and includes a bit sequence deleting unit for deleting bit sequences in received packets before transferring them to a communications device, as recited in claim 34, as amended.

Because McCloghrie and Jorgensen do not teach or suggest all the limitation recited in claims 2 and 34, as amended, they do not provide the factual basis to support a prima facie case of obviousness under 35 USC §103. As each dependent claim incorporates all the limitation of their respective base claims, Applicant urges that, for at least the same reasons just provided, McCloghrie and Jorgensen do not disclose or suggest all the limitations of dependent claims 4-33 and 36-46. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 USC §103 of claims 2, 4-34, and 36-45.

SUMMARY

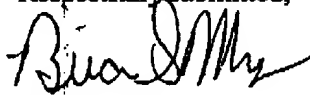
As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

PUJG 18.009
09/723,416

This amendment is being filed with an extension of time for 3 months. The Commissioner is hereby authorized to charge the extension fee, as well as any deficiencies in the fees provided to Deposit Account No. 12-0010.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,



Brian S. Myers
Registration No. 46,947

575 Madison Avenue
New York, NY 10022-2585
(212) 940-8800
October 13, 2004